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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES H. CARNER, III,

Plaintiff,

v.

OFFICER JEFF HANCOCK,

Defendant.

CASE NO. C08-0586-JLR

ORDER DISMISSING § 1983  
ACTION

The Court, having reviewed defendant's motion for summary judgment, plaintiff's response, defendant's reply, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant's motion for summary judgment (Dkt. No. 22) is GRANTED;
- (3) The complaint and this § 1983 action are DISMISSED with prejudice;
- (4) This dismissal shall count as a strike under 28 U.S.C. § 1915(g); and
- (5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendant, and to Judge Theiler.

DATED this 19<sup>th</sup> day of December, 2008.

JAMES L. ROBERT  
United States District Judge

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ORDER DISMISSING § 1983 ACTION  
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